

12-27-06

DAE/ZFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ziech et al.

Serial No.: 10/813,713

Group Art Unit: 3616

Filed: 03/31/2004

Examiner: Webb, T.

For: Beam Axle Suspension With Diagonal Link

Atty. Dkt. No.: 060680-0636

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R § 1.705(B)

Dear Sir:

This paper is an application for reconsideration of the patent term adjustment indicated in the Determination of Patent Term Adjustment accompanying the Notice of Allowance mailed September 26, 2006. In particular, this paper requests reinstatement of a portion of a reduction in the patent term adjustment made under 37 C.F.R. 1.704(c). This paper is being submitted on or before payment of the issue fee for the application.

Statement of Facts

The correct patent term adjustment for the application under 37 C.F.R. §§ 1.702-05 is 300 days. The application was filed on March 31, 2004. A notification under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 was due on May 31, 2005. 37 C.F.R. § 1.702(a)(1). A notification under 35 U.S.C. § 132 was not mailed, however, until March 31, 2006. Under 37 C.F.R. § 1.703(a)(1), Applicants are entitled to an initial adjustment of 304 days (i.e., from June 1, 2005 (the day after the notification was due) to March 31, 2006 (the day the notification was mailed)). The patent that will issue from this application is not subject to a terminal disclaimer.

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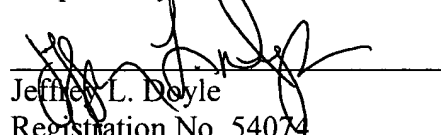
During prosecution of the application, circumstances occurred that constitute a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 C.F.R. § 1.704. Applicants responded to the notification under 35 U.S.C. § 132 mailed on March 31, 2006 by filing a reply on May 1, 2006.¹ Applicants subsequently filed an Information Disclosure Statement on May 5, 2006. The Information Disclosure Statement is considered a supplemental paper. As a result, the period of adjustment is subject to a reduction of four (4) days from May 2, 2006 (the day after the response was filed) to May 5, 2006 (the day the Information Disclosure Statement was filed). 37 C.F.R. § 1.704(c)(8). Under 37 C.F.R. § 1.703(f), the period of adjustment is therefore 300 days (304 days minus 4 days). The Patent and Trademark Office incorrectly calculated a reduction of thirty-four (34) days, however, resulting in a calculated period of adjustment of 270 days (304 days minus 34 days) as set forth in the Determination of Patent Term Adjustment. The error appears to have resulted from an error in the Patent Application Information Retrieval (PAIR) system. In particular, the response filed on May 1, 2006 is incorrectly identified in the “Transaction History” tab and the “Patent Term Adjustments” tab as having been filed on April 1, 2006. The “Image File Wrapper” tab (and the filed document) reflect the correct May 1, 2006 filing date of the response. Applicants are therefore seeking reinstatement of a portion (i.e. 30 days) of the period of adjustment reduced under 37 C.F.R. § 1.704(c)(8) and a final patent term adjustment of 300 days.

¹ The response was timely filed because April 30, 2006 was a Sunday.

Petition Fee

The Commissioner for Patents is hereby authorized to deduce the fee of \$200.00 required under 37 C.F.R. § 1.18(e) in connection with this Application for Patent Term Adjustment from Deposit Account No. 04-2223. 37 C.F.R. § 1.705(b)(1). The Commissioner is further authorized to deduct any additional fees required, and to credit any overpayment of fees to, Deposit Account No. 04-2223.

Respectfully submitted,



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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Ziech et a.

Docket No.

060680-0636

Application No.
10/813,713Filing Date
03/31/2004Examiner
Webb, T.Customer No.
26127Group Art Unit
3616

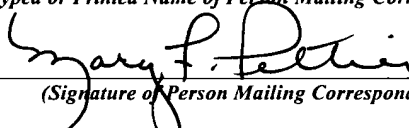
Invention: BEAM AXLE SUSPENSION WITH DIAGONAL LINK

I hereby certify that the following correspondence:

Application for Patent Term Adjustment Pursuant to 37 C.F.R. Section 1.705(B)

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

12/26/06*(Date)*Mary F. Peltier*(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)*ED455209125US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**